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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TREVION DARNELL MITCHELL,

15 Defendant.
16

Case No. 2:21-CR-00156-JCM-VCF-1

**STIPULATION TO EXTEND
BREIFING SCHEDULE REGARDING
ECF NO. 44**
(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Kenneth Nicholas Portz, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Raquel Lazo, Assistant Federal Public Defender, counsel for Trevion Darnell Mitchell, that the
21 government's response deadline to Defendant's Motion to Suppress (ECF No. 44) currently set
22 for July 12, 2022, be vacated and extended to July 29, 2022. Furthermore, it is stipulated that
23 Defendant's reply deadline to the government's response be reset to August 12, 2022.

24 The Stipulation is entered into for the following reasons:
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26

1 1. The parties are attempting to resolve the matter short of continued motion
2 litigation. Additional time is needed for defense counsel to confer with Mr. Mitchell to discuss
3 the proposed plea offer.

4 2. The defendant is incarcerated and does not object to the continuance.

5 3. The parties agree to the continuance.

6 4. The additional time requested herein is not sought for purposes of delay, but
7 merely to allow counsel for defendant sufficient time within which to be able to effectively and
8 complete investigation of the discovery materials provided.

9 5. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice. The additional time requested by this Stipulation is excludable in computing the time
11 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
12 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
13 Section 3161(h)(7)(B)(i), (iv).

14 This is the second stipulation to continue pretrial motion deadlines filed herein.

15 DATED this 7th day of July 2022.

16 RENE L. VALLADARES
17 Federal Public Defender

18 /s/ Raquel Lazo
19 By _____

20 RAQUEL LAZO
21 Assistant Federal Public Defender

22 JASON M. FRIERSON
23 United States Attorney

24 /s/ Kenneth Nicholas Portz
25 By _____

26 KENNETH NICHOLAS PORTZ
 Assistant United States Attorney

DISTRICT OF NEVADA

Case No. 2:21-CR-00156-JCM-VCF-1

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

V.

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

2. The defendant is incarcerated and does not object to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the government's response deadline to Defendant's Motion to Suppress (ECF No. 44) currently set for July 12, 2022, be vacated and extended to July 29, 2022.

IT IS FURTHER ORDERED that the Defendant's reply to the government's response will be reset to August 12, 2022.

DATED this 11th day of July 2022.



Cam Ferenbach
United States Magistrate Judge